

Remarks/Arguments

The foregoing amendments merely cancel withdrawn claims. No new matter is added and no new issues are raised.

The Examiner rejected claims 2-7 and 17 under 35 U.S.C. 103 as being unpatentable over Hodgson (U.S. 4,911,543) in view of Takeuchi (U.S. 6,313,943).

Claims 8-15 have been rejected under 35 U.S.C. 103 as being unpatentable over Hodgson in view of Takeuchi in view of Aihara et al (U.S. 5,906,148).

During the interview the undersigned Michael Dunn pointed out certain limitations in pending claim 2, the only independent claim.

Supervisory Examiner Dunn agreed that the limitations pointed out by Michael Dunn in fact distinguish over the Hodgson primary reference due to the ergonomic coaxial relationship of x-y movement control knobs and z focusing knob and that Takeuchi does not relate to focus at all. As in Hodgson, Aihara et al. actually teaches away from the present invention by having control knobs all over the place. Further, Aihara et al. is not even directed to a microscope but to a microtome that does not even have a focusing knob.

In particular an important limitation in Claims 2-7 and 17 is “**an x-y control having coaxial x and y control knobs, said x-y control being mounted so that the rotational axis of the x and y control knobs intersect a rotational axis of the rotatable focusing knob of the microscope, when the optical path passes through a center of a specimen holding area of the object holder.**

This arrangement permits easy one hand operation with minimal hand movement.

None of the cited references, alone or in combination, disclose or suggest this unobvious structure.

The hand has to move all over the place when using the structure described in Hodgson. Hodgson actually teaches away from such an apparatus in that the x and x control knobs 178 and 200 are widely separated and certainly not coaxial. Further, there is **no possibility that the rotational axis of the x and y control knob can intersect the rotational axis of the focusing knob 171** because the Hodgson x and y knobs do not even have the same rotational axis. Such intersection is certainly not possible at a position where the optical path passes though the specimen holding area as clearly required by the rejected claims

Takeuchi does nothing at all to cure the critical defects of Hodgson. Takeuchi describes a stage apparatus only, not a full microscope. **Focus is not even discussed** and certainly not a possibility that the axes of both the x and y control knob can intersect the rotational axis of the focusing knob and certainly not at a position where the optical path passes though the specimen holding area as clearly required by the rejected claims.

Combining a teaching concerning a microscope stage (with no discussion at all concerning focus) with a microscope having no focus knob/x-y knob axis intersection does not suggest a possibility that the **axes of both the x and y control knob can intersect the rotational axis of the focusing knob** and certainly not at a position where the optical path **passes though the specimen holding area** as clearly required by the rejected claims.

The Aihara et al. also does nothing the cure the critical defects of the already discussed Hodgson patent and the Takeuchi patent. It is clear that Aihara et al. discloses absolutely

nothing concerning an x-y control having coaxial x and y control knobs or that an x-y control could be mounted so that a rotational axis of the x and y control knobs intersect a rotational axis of the rotatable focusing knob of a microscope, when the optical path passes through a center of a specimen holding area of the object holder. As in Hodgson, Aihara et al. actually teaches away from the present invention by having control knobs all over the place. Further, Aihara et al. is not even directed to a microscope but to a microtome that does not even have a focusing knob.

It is thus clear that this combination of references does not and cannot render the presently claimed invention obvious to one skilled in the art under 35 U.S.C. 103.

Conclusion

It was therefore agreed that the rejections would be withdrawn and that the case would either be passed to issue or a new search would be done and a new rejection provided with an entirely new time period for response.

Respectfully submitted,



Michael L. Dunn
Registration No. 25,330
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406
Telephone No. 716-626-1564

MLD/mjk
Dated: June 30, 2006